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Reference Materials

VDSS Salary Administration Plan
DSS Recruitment and Selection of Classified Staff (Revised 9/25/00)
DSS – Wage (Hourly Employment - Effective 4/1/2001)

Equal Employment Opportunity

“Equal Employment Opportunity” is an employer’s posture that all employment activities will be conducted in such a manner to assure equal opportunity for all. Such activities will be based solely on individual merit and fitness of applicants and employees related to specific jobs, and without regard to race, color, religion, sex, age, national origin, physical disability, political affiliation, or other non-merit factors.

Affirmative Action

“Affirmative Action” is the planned, aggressive, coherent, management program to enhance the inclusion of minorities and females in the work force. The Affirmative Action Plan (AAP) is the written document that outlines actions the agency will take to raise the number of minorities and females in the work force to the level of their availability in the relevant labor force (parity).

Laws and Policies

Equal Employment Opportunity

- Title VII of the Civil Rights Act of 1964, as amended in 1972
- The Equal Opportunity Act of 1972
- The Civil Right Act (CRA) if 1991
- The Governor’s Executive Order Number One (2002)
- DSS Equal Opportunity Policy Statement (January 2003)

Related Laws and Polices

- The Equal Pay Act of 1963
- Age Discrimination in Employment Act of 1967 (ADEA)
- The Rehabilitation of 1973
- Virginians with Disabilities Act of 1985
- Immigration Reform and Control Act of 1986
- The Uniform Guidelines on Employment Selection Procedures
- Americans with Disabilities Act of 1990 (ADA)

Brief Summary of Related Laws and Policies

Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex, religion, or national origin. In 1978, Title VII was amended to include the Pregnancy Discrimination Act which required employers to treat pregnancy and pregnancy-related medical conditions the same as any other medical disabling condition with respect to all terms and conditions of employment, including health benefits.

The Equal Opportunity Act of 1972

The Equal Opportunity Act of 1972 extended the coverage of Title VII of the Civil Rights Act of 1964, to federal state and local public employers, and to educational institutions.

The Civil Rights Act of 1991 (CRA)

CRA strengthened civil rights laws by providing for damage awards in cases of intentional employment discrimination. Codified several concepts (such as “business necessity” and “job-related”) and provided statutory guidelines for certain suits under Title VII.

The Governor’s Executive Order Number One (2002)

The Governor’s Executive Order Number One (2002) is a policy of equal employment opportunity in all facets of state government. The policy prohibits discrimination on the basis of race, sex, color, national origin, religion, age, political affiliation, or against otherwise qualified persons with disabilities. The Executive Order directs agency management to take affirmative steps to emphasize the recruitment of qualified minorities, women, disabled persons, and older Virginians to serve at all levels of state government. It does not permit or require the lowering of *bona fide* job requirements, performance standards, or qualifications to give preference to any state employee or applicant for employment.

VDSS Equal Employment Opportunity Policy Statement (2003)

VDSS Equal Employment Opportunity Policy Statement (2003) is the agency’s policy and preference and adherence to Executive Order Number One (2002), reaffirms the agency’s continuing commitment to afford all applicants who have the necessary qualifications an equal opportunity to compete for employment within the Department. Equal opportunity shall be afforded to all employees in regard to recruitment, selection, promotion, demotion, transfer, compensation, benefits, training and termination.

The Equal Pay Act of 1963

Prohibits sex discrimination in the payment of wages to women and men who perform substantially equal work in the same establishment.

The Age Discrimination in Employment Act of 1967 (ADEA)

Protects individuals age 40 and above from discrimination on the basis of their age in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment.

The Rehabilitation Act of 1973

Section 504 prohibits any program or activity that receives federal financial funding from discriminating against qualified persons with disabilities in employment as well as all other activities related to employment. Requires employers to make reasonable accommodation to enable a disabled individual to perform the job unless the accommodation would create an undue hardship for the employer.

The Immigration Reform and Control Act of 1986 (IRCA)

Prohibits employers from “knowingly” hiring or continuing to employ an alien not authorized to work in the United States. IRCA also prohibits employers from intentionally hiring or discharging employees on the basis of national origin, citizenship, or intent to obtain citizenship.

The Uniform Guidelines on Employee Selection Procedures

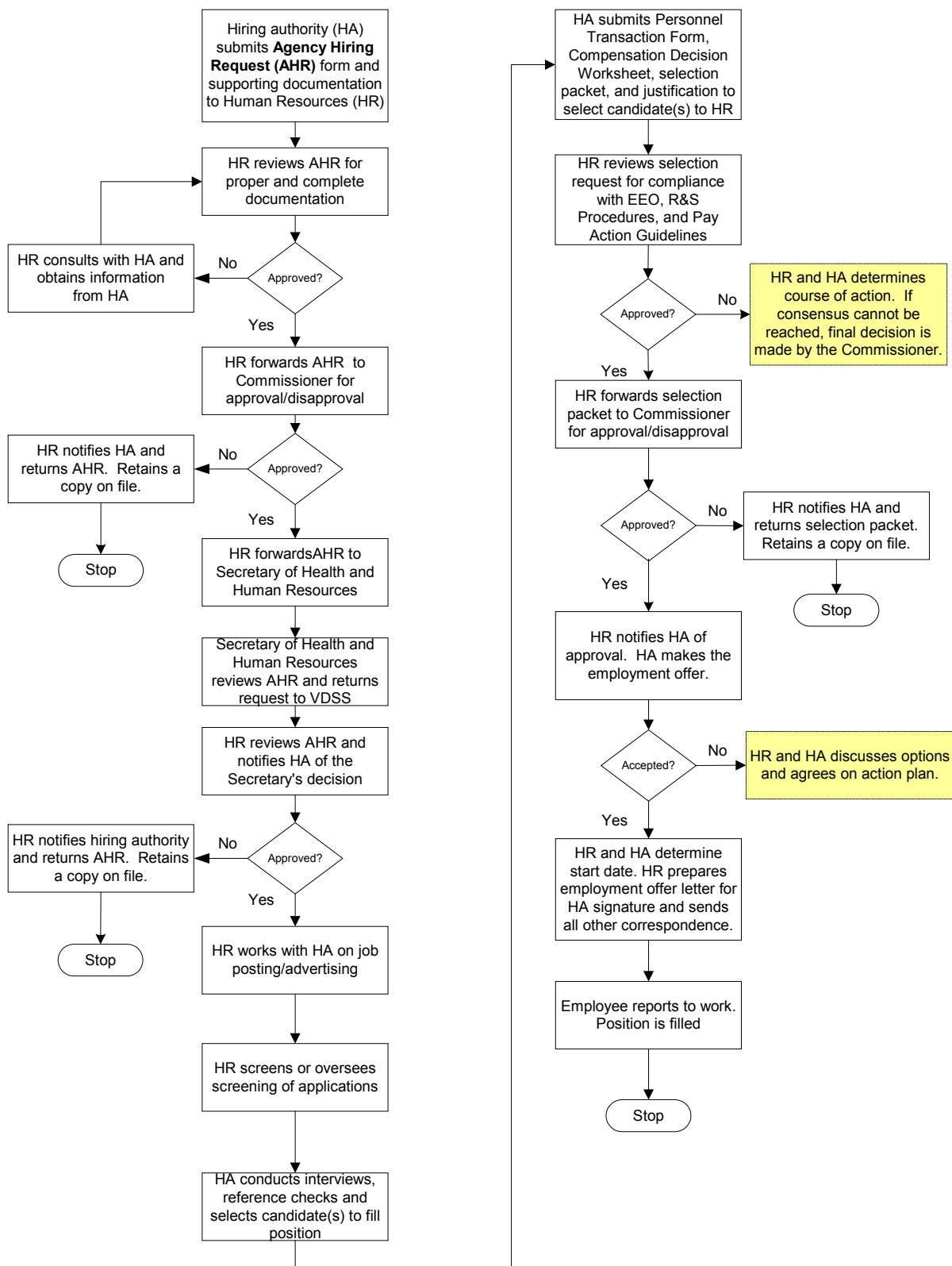
Under the Uniform Guidelines, any selection test or procedure used, as the basis for any employment decision should not have an adverse impact on protected groups. Tests or selection procedures that do will be considered discriminatory unless it has been “validated” in accordance with processes provided in the Guidelines. (A test is considered “valid” if the results of the test are predictive of job performance.)

The Americans with Disabilities Act of 1990 (ADA)

Title I of the ADA makes it illegal to discriminate against a “qualified individual with a disability” in employment, and imposes an obligation for employers to make reasonable accommodations that will enable the individuals with disabilities to perform the job unless doing so would impose an undue hardship on the employer.

Title II of the ADA prohibits state and local entities from discriminating against any qualified individual with a disability in their programs, services, and activities.

Recruitment and Selection for Classified Positions - Flow Chart



May 2002

Recruitment and Selection Process For Classified Positions

Phase	Description/Action
<p style="text-align: center;">Request Approval to Fill Vacant Position</p>	<p>The hiring authority through appropriate Division/Director completes and sends the following to VDSS/DHRM:</p> <ul style="list-style-type: none"> • Agency Hiring Request Form • Personnel Transaction Form • Request to Fill Form • Employee Work Profile • Organizational Chart <p>VDSS/DHRM will process the Request to Fill only upon notification that the position has been approved for recruitment.</p>
<p style="text-align: center;">Recruit for Position</p>	<p>VDSS/DHRM prepares the job posting, classified ad(s) and prepares other recruitment literature based on the Employee Work Profile and other special job related requirements submitted on the Request to Fill Form.</p> <p>The minimum recruitment period is five consecutive workdays. All positions must be advertised in the state's RECRUIT system.</p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> • Agency Internal Recruitment • Placement/recall opportunities for employees affected by Layoff. • Agency-initiated demotions, or temporary assignments, or employee-requested demotions, or lateral transfers. • Similar vacancies (same Role, duties/work title, organizational unit, and geographic area) that become vacant, or funded, within 90 calendar days from the position closing date of the similar vacancy. • Positions to be filled by employees returning from leave (with or without pay, including VSDP), or placements resulting from job-related injuries, if the position is in a Role equal to or lower than the position held by the employee before the leave.

Phase	Description/Action
<p>Screen Applications</p>	<p>Using the job posting (qualifications), VDSS/DHRM or the hiring authority screens the applications. The number of applications forwarded to the hiring authority is dependent on the type of screening option selected by the hiring authority and the number of applicants who meet and/or exceed the qualifications.</p> <p><u>Preliminary Screening</u> The VDSS/DHRM evaluator screens all applications in order to identify the applicants whose qualifications meet or exceed the minimum requirements for the position. A Referral List containing the names of those applicants and their applications are sent to the hiring authority for further evaluation. The hiring authority screens the applications and determines which applicants will be offered an interview.</p> <p><u>Complete Screening</u> At the request of the hiring authority, the VDSS/DHRM evaluator screens all applications in order to identify the most qualified applicants. An Interview List containing the names of the applicants to be interviewed and their applications are sent to the hiring authority. The hiring authority must interview all candidates on the Interview List.</p> <p><u>Refer All</u> All applications are referred to the hiring authority to screen. This type of referral generally occurs for Roles in Pay Band 6+ and/or technical positions that require subject matter expert review.</p>
<p>Develop Interview Questions</p>	<p>A set of interview questions must be developed and asked of each applicant.</p> <ul style="list-style-type: none"> • Questions should seek information related to the applicant's knowledge, skills, and ability to perform the job as well as extent of related work experience. • Questions that are not job related and/or that violate EEO laws are not permissible (Reference Guidelines On Lawful and Unlawful Question). • The interviewer(s) may ask additional questions in response to any statements or questions from the applicant, or to clarify information provided on the application. • Testing or Use of Work Samples must to be discussed and approved by VDSS/VDSS/DHRM.

Phase	Description/Action
Develop Interview Questions	<p>Types of Interview Questions</p> <p><u>Closed Questions</u></p> <p>Closed Questions are very direct and to the point. These are questions that can be answered with a single “yes” or “no”. This type of questions is used to confirm what the applicant said or get a direct answer to a very specific question.</p> <ol style="list-style-type: none"> 1. They restrict the range of applicant’s possible response. 2. They are useful in gathering data quickly. 3. Their use requires that the applicant be knowledgeable or have formed an opinion. 4. Improper use can make the applicant think he/she is being interrogated and feel defensive. <p>Examples:</p> <p>Will you be able to work overtime? The starting salary for this position is \$____. Is that acceptable?</p> <p><u>Open Questions</u></p> <p>Open questions allow a wide range of answers, which often require several sentences.</p> <ol style="list-style-type: none"> 1. They allow the candidate to share the discussion and provide more information than other types of questions. 2. They get at the job knowledge or experience and attitudes. 3. These questions may give some information on the applicant’s ability to reason or ability to communicate by asking for explanation of events, procedures or reasoning behind a decision. 4. One drawback is that they can be very time-consuming, since occasionally the candidate may bring up irrelevant topics. <p>Examples:</p> <p>Explain your work-related experience using interviewing techniques. Describe the attributes of an effective supervisor. Explain your experience using COBOL.</p>

Phase	Description/Action
Develop Interview Questions	<p><u>Situational Questions</u></p> <p>Situational questions require the applicants to explain how they have responded to or would respond to a particular job situation.</p> <ol style="list-style-type: none"> 1. They allow the candidate to demonstrate his/her problem-solving ability and reaction under pressure. 2. They may represent a problem without a known solution. 3. They are common to the job. <p>Examples:</p> <p>Describe a time when you had to deal with an employee's declining job performance. Explain how you had handled the situation.</p> <p>This position requires that you conduct investigations. Explain the investigation process and tools you would use to investigate a case whereby there has been a complaint of an employee accessing and altering records of relatives and friends.</p>
Interview Candidates	<p>Interviews are a <u>required</u> step in the selection process. No individual may be hired into a classified position without having been interviewed for the position.</p> <ul style="list-style-type: none"> • The hiring authority, persons designated by the hiring authority, and/or a selection panel, may conduct interviews. • The Commissioner reserves the right to interview candidates in pay band six and above. • An effort must be made to contact by telephone or in writing, all applicants who have been judged eligible for an employment interview. • The interview is a highly private meeting and should be held behind closed doors, preferably with the participants not visible to passing traffic within an office. The interview should be without telephone or staff interruption.

Phase	Description/Action
Selection Panel	<p><u>Use of Selection Panel and Guidelines</u></p> <ul style="list-style-type: none"> • The hiring authority must use a selection panel for all VDSS roles in pay band four or higher. • Panel members should be in the same or a higher Role than the position for which they will be interviewing, if they are classified (unless they are a human resource professional whose responsibilities include interviewing applicants and involvement in the selection process). • Panels should, as often as possible, include individuals of different genders and races. <p><u>Role of Panel Members</u></p> <ul style="list-style-type: none"> • The hiring authority may serve on interview panel, or permit the panel to recommend the top candidates for second interview with the hiring authority. • One member of the panel is designated to chair the panel. • The hiring authority (or panel chair) is responsible for discussing with the panel members, their role, lawful interviewing guidelines and documentation procedures. • Panel members should be given adequate time to review the qualifications, questions and applications. • The same panel members must interview and evaluate the candidates chosen for the interview. • Panelists may share with each other their verbal evaluation of the applicants' qualifications as related job requirements following the interview, but shall independently evaluate the applicants on the appraisal forms. • The panel members shall reach a consensus regarding applicants recommended for further consideration and shall deliver their recommendation in writing along with the interview documentation to the hiring authority. • Panels act in an advisory capacity only. The hiring authority is responsible for the final selection decision.

Phase	Description/Action
Conduct Reference Checks	<p>Hiring authority checks reference with the current and former supervisor(s) of the applicant who is the final candidate for the position. Reference checks are documented and submitted with the selection packet to VDSS/DHRM.</p> <p>The reference check, at a minimum, should obtain the following information:</p> <ul style="list-style-type: none"> • Name • Employment Dates • Position Title and Duties • Beginning and Ending Salaries • Training Completed • Performance (work experience, KSA's, competencies) • Whether the employer would rehire the applicant • Verification of any <u>required</u> license, certification, or degree. <p>Note: Under the Virginia Privacy Protection Act, agencies are not required to allow applicant to examine reference data or recommendation letters.</p>
Select Candidate	<p>The hiring authority takes into consideration all information on the Application for Employment, the interview, and reference checks when determining the suitability of an applicant for employment.</p> <p>The hiring authority prepares and completes the following:</p> <ul style="list-style-type: none"> • Summary of selection process to include justification to hire candidate, • Personnel Transaction Form • Compensation Decision Worksheet <p>The hiring authority forwards the signed forms along with all recruitment and selection forms and documentation to their assigned VDSS/DHRM team.</p>

Phase	Description/Action
Final Review, Approval, and Correspondence	<p>VDSS/DHRM Team:</p> <ul style="list-style-type: none"> • Conducts EEO review of selection packet. • Verifies salary and salary calculation. • Obtains HR Director approval. • Notifies hiring authority that a verbal employment offer can be made to the selected candidate. • Works with hiring authority to finalize the start state and orientation date for the new employee. • Prepares and sends the offer letter along with new employee packet to applicant. • Sends written notification to all applicants who were interviewed, but not selected. • Registers the applicant for new employee orientation. <p>Note: Start date generally coincide with a pay period begin date (10th or 25th of the month).</p>
New Employee Orientation	<p>All new employees are required to attend New Employee Orientation on the first day of employment. The orientation program gives a new employee an overview of the agency, covers important policies, procedures and benefits, and gives the employee an opportunity to complete employment and payroll forms.</p> <p>If the employee cannot participate in the New Employee Orientation program the first day of employment, the employee is required to report to the regional or district office to complete the necessary employment and payroll forms. Employees should attend the next scheduled orientation program to ensure that they obtain all necessary information about the agency, policies and procedures, benefits, etc.</p>

GUIDELINES ON LAWFUL AND UNLAWFUL INTERVIEW QUESTIONS

The following chart is provided as a guide on examples of lawful and unlawful interview questions.

Subject	Lawful	Unlawful
Age	Are you 18 years of age or older? If not, state your age.	How old are you? What is your date of birth? What are the ages of your children, if any?
Arrest Record	Have you ever been convicted of a crime? (Give details)	Have you ever been arrested?
Birth Control	None	Inquiry as to capacity to reproduce, advocacy of any form of birth control or family planning.
Disability	Do you have a driver's license?	Do you have a disability? Have you ever been treated for any of the following diseases . . .? Do you have now, or have had, a drug or alcohol problem?
Marital Status	None	Do you wish to be addressed as Miss? Mrs.? Ms? Are you single? Divorced? Separated?
Marital Status	None	Name or other information about spouse.
National Origin	None	Inquiry into applicant's lineage, ancestry, national origin, descent, parentage or nationality. Nationality of applicant's parents or spouse.
Race or Color	None	Complexion or color of skin. Coloring.
Religion or Creed	None	Inquiry into applicant's religious denomination, religious affiliations, parish or church religious holidays observed. Applicant may not be told, "This is a (Catholic, Protestant or Jewish) organization."
Sex	None	Inquiry as to gender.
Address or Duration of Residence	Applicant's place of residence. How long a resident of this state or city?	
Birth Date	None	Requirements that applicant submit birth certificate, naturalization or baptismal record. Requirement that applicant produce proof of age in form of birth certificate or baptismal record.
Birth Place	None	Birthplace of applicant. Birthplace of applicant's parents, spouse or other close relative.
Citizenship	Are you a citizen of the United States? If not a citizen of the	Of what country are you a citizen? Whether an applicant is naturalized

Subject	Lawful	Unlawful
	United States, do you intend to become a citizen of the United States? If you are not a United States citizen, have you the legal right to remain permanently in the United States? Do you intend to remain permanently in the United States?	or a native-born citizen; the date when the applicant acquired citizenship. Requirement that the applicant produce naturalization papers or first papers. Whether applicant's parents or spouse are naturalized or native-born citizens of the United States; the date when such parents or spouse acquired citizenship.
Driver's License	Do you possess a valid VA driver's license?	Requirement that applicant produce a driver's license.
Education	Inquiry into applicant's academic, vocational or professional education and the public and private schools attended.	
Experience	Inquiry into work experience.	
Language	Inquiry into languages applicant speaks or writes fluently.	What is your native language? Inquiry into how applicant acquired ability to read, write a foreign language.
Military Experience	Inquiry into applicant's military experience as it relates to the position.	
Name	Have you ever worked for this company under a different name? Is additional information relative to change of name, use of an assumed name or nickname necessary to enable a check on your record? If yes, explain.	Original Names of an applicant whose name has been changed by court order or otherwise. Maiden name of a married woman. If you have ever worked under another name, state name and dates.
Notice in Case of Emergency	None	Name and address of person to be notified in case of an accident or emergency.
Organizations	Inquiry into applicant's membership in organizations, which the applicant considers relevant to his or her ability to perform the job.	List all clubs, societies and lodges to which you belong.
Photograph	None	Requirement or option that applicant affix a photograph to employment form at any time before hiring.
Relatives	Name of applicant's relatives already employed by the company.	Number, names, addresses and ages of applicant's spouse, children or relatives not employed by the company.

INFORMATION TO BE INCLUDED IN JUSTIFICATION MEMO TO VDSS/DHRM TEAM MANAGER

Summary of How Applications Were Reviewed

- ☐ Rating Scale or Evaluation Method
- ☐ Rating Criteria

Interview Panel

- ☐ Panel selection and panel make-up (including name, race, sex and grade level)
- ☐ Number of candidates referred

Interview by Hiring Supervisor

- ☐ Who was interviewed
- ☐ Justification memorandum indicating reasons you selected candidate
- ☐ Name of person you wish to offer the position
- ☐ Second person/choice if first person declines

List of Enclosures Returned with Selection Packet

- ☐ Referral or Interview List
- ☐ Original Applications
- ☐ Evaluation/Screening Worksheet
- ☐ Correspondence

- ☐ Panel questions & answers
- ☐ Writing samples (if applicable)
- ☐ Panel total scores

- ☐ Hiring authority questions & answers
- ☐ Hiring authority total scores
- ☐ Reference Check Form

- ☐ Personnel Transaction Form
- ☐ Compensation Decision Worksheet
- ☐ Request to Fill position form

SAMPLE JUSTIFICATION MEMO

TO: VDSS/DHRM Team Manager
Human Resource Manager

THROUGH: Director

FROM: Hiring Supervisor

DATE:

SUBJECT: Selection Justification for Position Title and Number

I reviewed the applications and rated the applicants as "1 – average", "2 – above average", or "3 - excellent", based on skills, knowledge and ability in the following criteria: legal research, writing, education and computer skills. I set up interviews with top ____ candidates rated excellent. Each applicant was provided a position description for the position.

I set up an interview panel of ____ people: Name (white male), Name (black female), Name (white female). The panel recorded the ____ applicants' answers to 15 questions and rated them on a scale of 1-5. All three-panel members rated the same three applicants as the top three.

As hiring authority, I interviewed the top three candidates. I recorded their responses to seven questions and rated them on a scale of 1-5. I conducted telephone references for all three candidates. Here is how I assess them:

Mary Poppins received her bachelor's degree in business from Alligator University. She received both her law degree and masters in public policy. She worked with the federal court and volunteered as court assistant. From these jobs, she gained knowledge of the legal system. She has good word processing skills and has some exposure to computerized legal research. Ms. Poppins was poised when interviewed. Her prior supervisor recommended her for this position. They listed her strong points as thorough, professional and the ability to work with community resources. Ms. Poppins would like to work directly with clients. (Scored 29 out of 40 points)

Jack Spratt – list education, related experience, whether or not you would consider the candidate for hire and reasons, etc.

Humpty Dumpty - list education, related experience, whether or not you would consider the candidate for hire and reasons, etc.

I would like to offer the job to Ms. Poppins. Based on her education, experience, and interview and reference results, she is both highly qualified and best suited for the position in comparison to the qualifications of the other applicants that were interviewed.

If Ms. Poppins declines our offer of employment, I would like to offer the position to Mr. Spratt.

Enclosures:

SAMPLE OFFER LETTER FOR NEW HIRE TO STATE

(Prepared and sent to selected candidate by Division of Human Resource Management)

Date

Name
Address

Dear

It is a pleasure to confirm our offer of employment for the (name of position/role, position #), with the Department of Social Services, effective (date). Your salary will be \$0,000 per month, which equates to \$00,000 on an annualized basis. Please report to the (name of department/division) located at 730 East Broad Street at (time). The security desk guard will issue you a temporary visitor's pass. Public parking is available in the parking garage on 7th Street between Broad Street and Marshall Street. In accordance with policy, you will serve 12-month probationary period.

Enclosed is your new employee paperwork. Please complete as many forms as possible and bring them with you on your first day of work. As you may be aware, you have only 31 days from your employment date to enroll in your benefits so you will need to attend an orientation program to ensure you enroll within this timeframe. A schedule of orientation sessions is in your packet. Also, the payroll office requires a copy of your social security card for payroll processing.

The Immigration and Reform Act of 1986 requires you to provide original documents, which confirm your identity and employment eligibility. A list of acceptable documents is included in your packet. You must complete Section I on your **first day** of employment. Section II must be completed and original documents verified by a representative of the Division of Human Resource Management within three (3) days of employment.

Welcome aboard! I hope your employment with the Department of Social Services will be a rewarding experience.

Sincerely,

Hiring Authority

Enclosures